

NOTE: The court has reviewed the objections below and has indicated in highlighting and bolded letters the objections that are sustained. Such objections are sustained in their entirety unless noted otherwise (in which case they are sustained only as to certain portions of the deposition in question, as noted). All other objections overruled. /s/ Richard G. Stearns

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

R. Stearns DJ
1-29-18.

58 SWANSEA MALL DRIVE, LLC,

Plaintiff/Counterclaim Defendant,

v.

GATOR SWANSEA PROPERTY, LLC,

Defendant/Counterclaim Plaintiff.

Civil Action No. 15-cv-13538

**DEFENDANT'S OBJECTIONS AND COUNTER-COUNTER DESIGNATIONS
TO PLAINTIFF'S COUNTER DEPOSITION DESIGNATIONS
AND REQUEST FOR RULING ON OBJECTIONS**

Defendant, Gator Swansea Property, LLC ("Gator"), by and through undersigned counsel, hereby submits its objections and counter-counter deposition designations to the counter deposition designations submitted by Plaintiff, 58 Swansea Mall Drive, LLC ("58 Swansea"). Gator also submits this request for rulings on its objections to the counter deposition designations of Plaintiff, 58 Swansea Mall Drive, LLC, as set forth in herein. Gator has attached hereto, as Exhibits A through E, pertinent pages from the deposition transcripts marking objected-to testimony and stating the grounds for each objection.¹

¹ Gator has used the following legend to identify the abbreviated objections stated in the attached (all other objections are fully stated):

H	Hearsay
S	Speculation
LF	Lack of Foundation
N-R	Non-responsive
LC	Calls for Legal Conclusion

**Gator's Objections and Counter-Counter Designations
to 58 Swansea's Counter-Designation**

Jack Corwin 3-27-17

58 Swansea's Counter-Designations

95:18-96:10

Gator's Objection

Non-Responsive

Gator's Counter-Counter Designations

97:15-98:11

106:16-107:2

114:20-115:5

118:5-10

128:3-130:10

173:12-15

174:7-176:4

189:1-6

202:20-203:1

Jack Corwin 3-28-17

58 Swansea's Counter-Designations

None

Gator's Objections

None

Gator's Counter-Counter Designations

271:2-11

285:10-13

286:20-25

294:11-16

314:4-25

315:1-6

320:25

321:1-13

322:7-25

334:25-336:12

627:20-629:1

Coulton Brooks 11-14-16

58 Swansea's Counter-Designations

67:7-24

73:25-74:13

74:18-75:22

79:19-80:16

80:18-81:3

81:4-23

Gator's Objections

Speculation

Improper Expert Testimony

Calls for Legal Conclusion

Improper Expert Testimony - already decided

Improper Expert Testimony, Speculation Improper

Expert Testimony - already decided

Calls for Legal Conclusion, Speculation - already decided

Calls for Legal Conclusion

Improper Expert Testimony

107:21-108:9

116:4-11

124:17-125:6

Improper Expert Testimony,
Calls for Legal Conclusion, Speculation -
already decided

Gator's Counter-Counter Designations

125:7-126:9

Coulton Brooks 2-16-17

58 Swansea's Counter-Designations

240:7-9

244:14-18

245:11-14

246:8-12

252:7-14

253:5-9

253:17-22

282:14-283:5

288:9-23

Gator's Objections

Improper Expert Testimony

Calls for Legal Conclusion

Calls for Legal Conclusion

Improper Expert Testimony,

Calls for Legal Conclusion

Speculation

Speculation

Speculation, Hearsay

Speculation

Speculation

Gator's Counter-Counter Designations

263:13-15

281:6-15

Gabe Wilson 11-17-16

58 Swansea's Counter- Designation

52:6-53:3

69:13-16

136:24-137:14

146:16

185:1-12

185:14-25

187:7-20

187:7-9

189:17-25

202:1-10

216:5-15

Gator's Objections

Speculation

Calls for Legal Conclusion, Speculation

Incomplete w/o Exhibit, Hearsay

Incomplete/Incomprehensible Designation

Speculation

Improper Expert Testimony,

Speculation, Relevance

Speculation, Relevance

Hearsay

Improper Expert Testimony, Speculation

Speculation

Speculation

Gator's Counter-Counter Designations

77:19-24

193:17-19

Mike Marcone 2-24-17

58 Swansea's Counter- Designations

79:15-21

80:9-15

98:21-99:12

Gator's Objections

Hearsay; Lack of Foundation - already decided

Speculation; Non-responsive - already decided

Speculation; Non-responsive

109:23-110:21

120:9-122:2

135:5-21

138:9-18

145:13-23

157:20-158:12

161:8-20

215:8-18

Gator's Counter-Counter Designations

34:10-17

40:2-14

59:8-21

60:19-61:14

102:11-103:4

103:11-24

120:5-8

122:13-17

136:7-13

150:23-153:2

169:11-15

170:17-171:4

171:10-13

217:8-220:14

220:24-221:9

221:11-222:19

227:5-228:4

228:10-16

239:21-25

Hearsay

Hearsay; Speculation; Lack of Foundation

Hearsay; Lack of Foundation; Speculation

Speculation; Lack of Foundation

Improper Exhibit Testimony;

Lack of Foundation - sustained as to 19-23 (already sustained as to remaining lines)

Improper Exhibit Testimony; Hearsay

Improper Expert Opinion; Speculation; Lack of Foundation

Speculation

Respectfully submitted,

s/Ricardo A. Reyes

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on January 26, 2018, a true and accurate copy of the foregoing will be served via the ECF system on all counsel of record, and that any counsel not receiving electronic notifications via the ECF system will be served via first class U.S. mail, postage prepaid.

s/Ricardo A. Reyes